

FROM :Francis L Conte, Esq

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Sep. 04 2002 10:38AM P1/1

PATENT
Docket NCR-8778

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: M. R. Bauer)
Application No.: 09/556,647) Art Unit: 3627
Confirmation No: 7493) Examiner: Fischer, A.
Filed: 04/24/2000)
Title: Material Browser)

DEFECTIVE OFFICE ACTION

Box Non-Fee Amendment
Commissioner for Patents
Washington, D.C. 20231

Sir:

In the office action dated as mailed on 08/02/02 the examiner in para. 1 has refused to consider the IDS filed 08/14/2000 citing Rule 98.

However, the citation of the listed co-pending patent application complies fully with Rule 98(b)(3), which does not require "date and place of publication" as the examiner erroneously contends.

Accordingly, applicant hereby requests that the IDS now be considered fully by the examiner, and that the office action be re-started under MPEP 710.06 for defective office actions.

MPEP sections 707.07; 707.05(g); 707.05(b); and 707.07(g) also apply to prevent piecemeal examination and protracted prosecution.

Respectfully submitted,



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Date: 4 Sep 2002

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CERTIFICATE OF TRANSMISSION (37 CFR 1.8a and MPEP 512)

I hereby certify that this 1-PAGE correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office at Fax No. 703-746-5588 on the transmission date indicated below.

FRANCIS L. CONTE
(Name of person transmitting paper)


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4 Sep 2002
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